IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Bail Appl..No. 3808 of 2007()

CMP.3910/2007 of J.M.F.C.-I,NEYYATINKARA
CRIME NO.35/2007 OF AMARAVILA EXCISE RANGE

.....

PETITIONER/ ACCUSED

RAJESH KUMAR, AGED 27, S/O.ASOKAN
KADAVAR PUTHEN VEEDU
VAHAVILA, ARUVIPPURAM
WAYIL DESOM, PERUMKADAVILA VILLAGE
NEYYATTINKARA TALUK

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THEPUBLI
C PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3808 of 2007

Dated this the 25th day of June 2007

O R D E R

Application for regular bail. The petitioner was allegedly found to be in possession of 5 litres of arrack on 26/5/2007. He was arrested and continues in custody from that date. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He may now be enlarged on bail, it is prayed. The learned Public Prosecutor, on instructions, opposes the application for bail. The petitioner is involved in five other similar crimes, submits the learned Public Prosecutor.

2. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

3. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 7/7/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007